

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEON DENARD CURRIE,

CASE NO. C22-5823 BHS

Petitioner,

ORDER

V.

RONALD HAYNES,

Respondent.

13 THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's
14 Report and Recommendation (R&R), Dkt. 13, recommending the Court grant
15 Respondent's motion to dismiss Petitioner Leon Currie's third 28 U.S.C. § 2254 petition
16 for failure to seek leave from the Ninth Circuit before filing a second or successive
17 habeas petition. Such leave is required under 28 U.S.C. § 2244(b)(2)(A). Dkt. 13 at 2.

18 Currie objects. He concedes his prior two efforts to obtain habeas relief (related to
19 a 1995 state court homicide conviction) were dismissed, but he asserts that this is not a
20 second or successive petition because no court ever reached the merits of his prior
21 attempts. Dkt. 14.

1 The Court does not agree, and Currie has offered no authority to support his claim.

2 The R&R is ADOPTED, the Motion to Dismiss for lack of subject matter jurisdiction is
3 GRANTED.

4 The Clerk shall enter a JUDGMENT and close the case.

5 IT IS SO ORDERED.

6 Dated this 13th day of June, 2023.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22



BENJAMIN H. SETTLE
United States District Judge